IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baker et al.	Docket No:	39780-2830C1P9
Serial No:	10/006,485	Group Art Unit:	1647
Filed:	December 6, 2001	Examiner:	Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Considered
RKH 9/8/04

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF LUC DESNOYERS, Ph.D., DR. AUDREY GODDARD, Ph.D., DR. PAUL J. GODOWSKI, Ph.D., DR. AUSTIN GURNEY, Ph.D., DR. COLIN K. WATANABE and DR. WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Colin K. Watanabe and William Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.

2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).

3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.

4. At the time the present invention was made, one of the inventors, Luc Desnoyers, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.